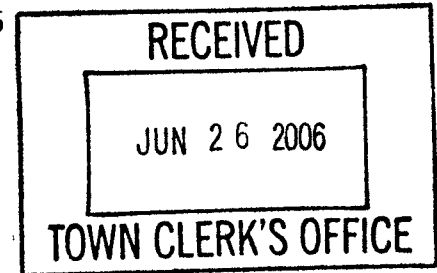


**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
Regular Session - Date: JUNE 26, 2006

**TENTATIVE AGENDA**



7:30 p.m. - Roll Call

Motion to accept minutes of JUNE 12, 2006 meeting as written.

**PRELIMINARY MEETINGS:**

1. **BRUCE HERMAN (06-38)** Request for proposed 12 ft. X 16 ft. shed to be installed between house and street on a corner lot at 5 MacLean Drive in an R-1 Zone **(55-2-12)**
2. **THOMAS SANTORO (06-39)** Request for 28 ft. Rear Yard Setback for proposed 12 ft. X 18 ft wood deck at 13 Forge Hill Road in an R-3 Zone **(50-1-19)**
3. **THOMAS KARAS (06-40)** Request for 15 ft. Front Yard Setback and; 10 ft. Side Yard Setback for proposed front porch and attached rear garage at 39 Continental Drive in an R-4 Zone **(45-2-12)**
4. **DR. LOUIS CAPPAS (06-37)** Request to convert building previously used as a Church to a medical office at 59 Blooming Grove Tpk. in an R-4 Zone **(48-1-11)**

**PUBLIC HEARINGS:**

5. **BRIAN BREHENY (06-29)** Request for 30 ft. Rear Yard Setback for proposed 16ft. X 16 ft. rear deck (300-10-6-G) at 2644 Liberty Ridge in an R-3 Zone **(77-1-4)**
6. **JACQUELINE CALLANAN (06-24)** Request for variance to permit a 6 ft. fence located between the principal building and the street at 58 Keats Drive in an R-4 Zone **(75-5-3)**
7. **MICHAEL THOMAS (06-33)** Request for 5 ft. Side Yard Setback and; 5 ft. Rear Yard Setback for proposed in-ground pool at 2713 Colonial Drive in an R-3 Zone **(77-6-8)**
8. **RICHARD SKINNER (06-32)** Request for 10 ft. Side Yard Setback and; 3 ft. Rear Yard Setback for existing shed at 40 Forest Hill Road in an R-4 Zone **(44-2-4)**
9. **HOFFMAN-WALKER (for McHugh) (06-31)** Request for:

**LOT #4:** 21,447 s.f. Minimum Lot Area  
30.3 ft. Front Yard Setback  
10.1 ft. Rear Yard Setback  
217 s.f. Livable Area

**LOT #5:** 30,164 s.f. Minimum Lot Area  
4.1 ft. Front Yard Setback  
12.4 ft. Rear Yard Setback

for proposed Lot Line Change on Beaver Brook Road in an R-4 Zone **(58-3-4 & 5)**

**FORMAL DECISIONS:**

Jorg Frischknecht (05-72)  
Callahan/Creagan (06-03)  
Erica Grassi (06-02)

Edward Jacopino (D/B/A Faricellia's Market) (06-04)  
Xiaojl Zhang (06-05)  
Steven Ponesse & Dawn Marie Mulder (06-09)

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

JUNE 26, 2006

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
KIMBERLY GANN  
ERIC LUNDSTROM  
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: KATHLEEN LOCEY

REGULAR MEETING

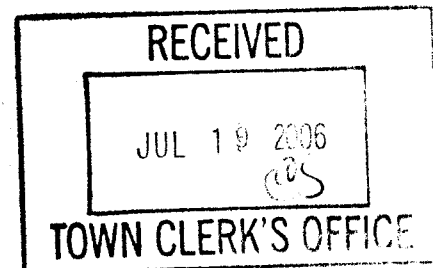
MR. KANE: I'd like to call to order the June 26, 2006  
meeting of the New Windsor Zoning Board of Appeals.

MINUTES OF JUNE 12, 2006

MR. KANE: Motion to accept the minutes of June 12 as  
written.

MS. GANN: So moved.

MR. LUNDSTROM: Second it.



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ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PRELIMINARY\_MEETINGS:

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BRUCE\_HERMAN\_(06-38)

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MR. KANE: Request for proposed 12 ft. x 16 ft. shed to be installed between house and street on a corner lot at 5 MacLean Drive.

Mr. Bruce Herman appeared before the board for this proposal.

MR. KANE: What the Town of New Windsor does is we hold a preliminary meeting and a public meeting. The preliminary meeting gives us a chance to understand what you want to do and make sure you have all the right stuff so that we can make a decision in a formal public hearing. So the same thing that you're going to do here you'll do when we do it for real. So tell us what you want to do.

MR. HERMAN: Well, it's directly in line with the front of my house as the picture showed and what I'd like to do is I'd like to put the shed over here on this side and everything is completely covered with trees except for the view from my driveway as I gave pictures, as the pictures would show. And the reason I'm not putting it in the back of the property is it goes downhill maybe 15 feet from the front of the property and I just had my ankle reconstructed so I'm still doing bone stimulation and stuff, I can't really do hills very well.

MR. KANE: I understand that completely, I have a replacement knee. What concerns me is you're on the bend, this is 40 feet off of that?

MR. HERMAN: Correct.

MR. KANE: And 25 and 30?

MR. HERMAN: From that corner, yes.

MR. KANE: From the street there's no, did you bring any pictures of the view from the street?

MR. HERMAN: Yes, everything is labeled as to what the views are also.

MS. GANN: How close will the shed be to the home?

MR. HERMAN: It's 35 feet from the edge to one edge of the house to like the corner of the shed, first corner.

MR. KANE: So there's really no seeing it from the road?

MR. HERMAN: No.

MR. KANE: And it's not going to inhibit anybody's view going around that curve?

MR. HERMAN: No, the pine trees.

MR. KANE: Some questions we have to ask you cause it gets typed in. We have the pictures we need, all the questions I have. Anybody else have any further questions? Any easements in that particular area?

MR. HERMAN: None that I'm aware of. Further down at the end of the view in that picture, I don't know down here there used to be a horse thing.

MR. KANE: Nothing with your property?

MR. HERMAN: No.

MR. KANE: Cutting down trees, substantial vegetation in the placement of the shed?

MR. HERMAN: None at all.

MR. KANE: Creating water hazards or runoffs?

MR. HERMAN: No.

MR. KANE: Shed itself will be similar in size and nature as other sheds that are in your neighborhood?

MR. HERMAN: Correct.

MR. KANE: Any further questions? I will accept a motion.

MS. GANN: I'll make a motion we set up Bruce Herman for a public hearing for his request for proposed 12 foot by 16 foot shed to be installed between the house and the, I'm sorry, between the house and street on a corner lot at 5 MacLean Drive in an R-1 zone.

MR. TORPEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE

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THOMAS\_SANTORO\_(06-39)

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MR. KANE: Request for 28 ft. rear yard setback for proposed 12 ft. x 18 ft. wood deck at 13 Forge Hill Road.

Mr. Thomas Santoro appeared before the board for this proposal.

MR. KANE: Tell us what you want to. You heard what I said?

MR. SANTORO: Yes, add a deck to my house off the back of the property. On the original survey there used to be a deck there and I'd like to replace it with a square deck.

MR. KANE: The deck that you're going to be replacing the stairs coming out from the sliding doors in the back?

MR. SANTORO: Yes.

MR. KANE: And let the record show that the stairs are actually covering half of the sliding door so half of it is open.

MR. SANTORO: It's a french door.

MR. KANE: I understand. So with putting a whole deck it will actually be a safer installation?

MR. SANTORO: Correct.

MR. KANE: Cutting down substantial trees or vegetation in the building of the deck?

MR. SANTORO: No.

MR. KANE: Creating any water hazards or runoffs?

MR. SANTORO: No.

MR. KANE: Any easements running through the area where you want to build the deck?

MR. SANTORO: No.

MR. KANE: Deck similar in size and nature to other decks that are in your neighborhood?

MR. SANTORO: Yes.

MR. KANE: This is the outline of the deck right here?

MR. SANTORO: Correct and on the original survey the deck is--

MR. KANE: Okay.

MR. KANE: So since the deck is attached to the house obviously it changes the offsets which are 50 feet, he has 22.

MR. BABCOCK: That's correct.

MR. KANE: No further questions, I'll accept, any other questions from the board?

MS. GANN: I don't have any.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I will make that motion to forward Thomas Santoro's request for a 28 foot rear yard setback for proposed 12 x 18 foot wood deck at 13 Forge Hill Road in an R-3 zone to public hearing.



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MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE

THOMAS\_KARAS\_(06-40)

---

MR. KANE: Request for 15 ft. front yard setback and 10 ft. side yard setback for proposed front porch and attached rear garage at 39 continental Drive.

Mr. and Mrs. Thomas Karas appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MRS. KARAS: Well, we want to build a porch on the front of the house and also build a third car garage on the rear of the house. But the way is zoning is the garage will not be flush with the end of the house so that's why we're asking for the variance so that the garage can be built flush with the back of the house.

MR. KANE: The garage is going to go onto the concrete patio that's existing right there now?

MR. KARAS: Yes and there will be a deck on top of the garage.

MR. KANE: Naturally your driveway, let it show you that the driveway's leading up to a concrete patio where the proposed deck is supposed to go to, so the garage itself, cutting down any trees or substantial vegetation in the building of the garage?

MRS. KARAS: There's nothing there.

MR. KANE: Some questions I have to ask even though it's obvious. Create any water hazards or runoffs?

MR. KARAS: No.

MR. KANE: Any easements running through that area?

MR. KARAS: Not that I know of.

MR. KANE: That we'll need to know for sure with a solid answer for the public hearing but we'll know anyway.

MR. BABCOCK: I have a copy of the survey, shows no easements.

MR. KARAS: Cause we had the survey just recently.

MR. KANE: So the garage is going to be a one story garage with a deck on top of it?

MR. KARAS: Yes.

MS. GANN: Just curious what you're using the deck for on the top, just to lead out from the house?

MR. KARAS: Leading out from the main floor of the house.

MR. KRIEGER: It will be next to a sliding glass door in the house so you'd lead from the house?

MR. KARAS: Right.

MR. KRIEGER: Onto the deck?

MR. KARAS: Right.

MR. KRIEGER: If there were nothing there a person exiting the door would fall down and likely sustain serious physical injury?

MRS. KARAS: Right, we don't have a door now though.

MR. KRIEGER: You will.

MRS. KARAS: Absolutely.

MR. LUNDSTROM: Steps leading from the deck down to the ground?

MRS. KARAS: Yes.

MR. KANE: The deck that's replacing the front porch 24 by 8 from the corner to the door?

MR. KARAS: There's a little jut that comes right here by the house, it will go right up to that.

MR. KANE: Will the addition of that deck make the front of your house extend further than the front of the other homes on your street, if you follow what I'm getting at?

MR. KRIEGER: Closer to the road.

MR. KARAS: Might make it a little but there are decks that jut out from the houses down the street.

MR. KANE: Overall you're basically you think you're the same as everybody else with the addition and the new deck?

MR. KARAS: Yes.

MR. KANE: Again, cutting down any trees, substantial vegetation in the building of the deck in the front of the house?

MRS. KARAS: Just this bush right here.

MR. KANE: Creating water hazards or runoffs?

MR. KARAS: Actually fix the water.

MRS. KARAS: It will fix the water issue.

MR. KANE: Any further questions? I'll accept a

motion.

MS. GANN: I will offer a motion that we set up Thomas Karas for public hearing for his request for 15 foot front yard setback and 10 foot side yard setback for proposed front porch and attached rear deck at 39 Continental Drive in an R-4 zone.

MR. LUNDSTROM: Garage.

MS. GANN: Rear garage.

MR. LUNDSTROM: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Let the record show that should be under Beverly Karas instead of Thomas. You're all set.

DR.\_LOUIS\_CAPPA\_(06-37)

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MR. KANE: Request to convert building previously used as a church to a medical office at 59 Blooming Grove Turnpike.

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. BLOOM: Good evening, Mr. Chairman, ladies and gentlemen, I'm Dan Bloom and I represent Dr. Cappa on this application. It's an application for a use variance relating to property presently owned by the Church of the Nazarine at 59 Blooming Grove Turnpike in New Windsor. While I will have more photographs at the time of the public hearing assuming that it were scheduled, I'd like to pass up if I may copies of relevant portions of an appraisal that was done on the property, give you some insight into the location of the building, the composition of the building and also the status of what I will submit will be one of the principle bases for the application which is the existence of substantial code violations on the property and the property is that the church is in such dire economic circumstances at the present time that they can't address those issues and the application is going to be made based upon the fact that they have been trying to sell the property since September having listed it with a real estate broker and because of the unique circumstances surrounding this property it's in an R-4 zone but having been converted to a church back in 1972, it just doesn't lend itself to residential use at this point. So it's kind of a unique situation and for that reason I'm here this evening to respectfully request that we be scheduled for a public hearing.

MR. TORPEY: What are we making this now?

MR. BLOOM: We'd like to, my client, Dr. Cappa--

MR. TORPEY: Doctor offices?

MR. BLOOM: Correct, doctor offices or other professional offices as well, assuming he can't use it all himself, he'd like to be able to rent out portions to other professionals.

MR. TORPEY: It's set back.

MR. BLOOM: Yes, it is, that's going to be part of the approach we're going to take which is we're going to suggest that it is set back so far that its use will not intrude upon the community itself and we'll use landscaping to minimize any of those type of impacts as well.

MR. KANE: Mr. Bloom, I'm sure you're aware of the five key points you have to hit in a public hearing, I'm sure Mr. Reis is aware.

MR. BLOOM: I am and I intend, I will tell the board in advance I intend to present a representative of the church along with appropriate financial documentation to substantiate their position in that respect.

MR. KANE: Okay, it's a use variance, pretty straightforward, they have a lot to prove and we have to do it at the public hearing, so there's not a lot of questions I'd ask at this point. I know the property and the difficulty its had. Any further questions from the board? Set them up for a public hearing, I'll accept a motion.

MR. LUNDSTROM: I will offer a motion to allow Dr. Louis Cappa to proceed to a public hearing on his request to convert a building previously used as a church to a medical office at 59 Blooming Grove Turnpike in an R-4 zone, section 48, block 1, lot 11.

MS. GANN: Second it.

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ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE



PUBLIC\_HEARINGS:

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BRIAN\_BREHENY\_(06-29)

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MR. KANE: Request for 30 ft. rear yard setback for proposed 16 ft. x 16 ft. rear deck at 2644 Liberty Ridge.

Mr. Anthony Bianchi appeared before the board for this proposal.

MR. BIANCHI: I'm his brother-in-law representing him, Anthony Bianchi.

MR. KANE: I will ask if there's anybody here for this particular hearing so we can get a name and address? No, okay. Cutting down any substantial vegetation or trees in the building of the deck?

MR. BIANCHI: No.

MR. KANE: Creating water hazards or runoffs?

MR. BIANCHI: No.

MR. KANE: Will the deck be similar in size and nature to other decks that are in your neighborhood?

MR. BIANCHI: Yes.

MR. KANE: Without the deck walking out the rear door would be hazardous?

MR. BIANCHI: Yes.

MR. KANE: Having the deck there instead of the steps would actually make it safer?

MR. BIANCHI: Yes.

MR. KANE: Okay, at this point, I will open it and close the public portion of the hearing, seeing as no one's here and ask Myra how many mailings we had?

MS. MASON: On the 9th of June, I mailed out 68 envelopes, had no response.

MR. KANE: I'm not sure if I asked, is there any easements running through that area?

MR. BIANCHI: No.

MR. KANE: Any further questions from the board? I'll accept a motion.

MR. TORPEY: I'll make a motion that we approve the request of Brian Breheny's request for 30 foot rear yard setback for proposed 16 foot by 16 foot rear deck at 2644 Liberty Ridge in an R-3 zone.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE

JACQUELINE\_CALLANAN\_(06-24)

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Mr. John Callanan appeared before the board for this proposal.

MR. KANE: Request for variance to permit a 6 ft. fence located between the principal building and the street at 58 Keats Drive.

MR. CALLANAN: My name is John Callanan, I'm Jacqueline's husband.

MR. KANE: Tell us what you want to do, sir.

MR. CALLANAN: We want to install a 6 foot fence coming off the back side of the house and run down on Stephenson Lane.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the deck?

MR. CALLANAN: No.

MR. KANE: Creating water hazards or runoffs?

MR. CALLANAN: Not a deck, fence.

MR. KANE: Fence, I'm sorry. The height on, you're a little bit off the corner, are there any pictures that show from the outside?

MR. CALLANAN: Yes, there's several there.

MR. KANE: Let the record show that the proposed area for the fence is further in from the corner where it shouldn't inhibit any view of vehicles passing down the street. And the reason that you're going for a 6 foot fence?

MR. CALLANAN: Just to offer my family privacy.

MR. KANE: Privacy and security?

MR. CALLANAN: That's correct.

MR. KRIEGER: It's a corner property?

MR. CALLANAN: That's correct.

MR. TORPEY: Why does it have to be 7 feet off the line?

MR. CALLANAN: I think I was 6 and we just went an extra foot to play it safe, I believe it was 6.

MR. TORPEY: You're not allowed to go to the line?

MR. KRIEGER: He can't build his fence on the right-of-way that the town has.

MR. KANE: Every property has a right-of-way in front.

MR. KRIEGER: Plus the fact of it's being six feet tall it has to be far enough back so it doesn't interfere with the view of motorists.

MR. BABCOCK: It's supposed to be back by the house by law, that's why he's here tonight.

MR. TORPEY: You can't have 6 foot in the back like that?

MR. BABCOCK: Well to the road is the problem because he's on a corner lot, that's why he's got the problem.

MR. KANE: You have the joy of having two front yards.

MR. CALLANAN: Yeah.

MR. LUNDSTROM: The type of fence you're putting up?

MR. CALLANAN: Six foot vinyl.

MR. TORPEY: Going to have slots like Christmas tree stuff?

MR. CALLANAN: Basically white slots, I'll show it to you, says semi private, but it looked pretty private to me.

MR. KANE: At this point, I will ask if there's anybody in the audience for this particular hearing. You don't want to talk? Seeing as no one's here, I'll close the public hearing and ask Myra how many mailings.

MS. MASON: On June 9, I mailed out 75 envelopes and had no response.

MR. KANE: Any further questions from the board? I'll accept a motion.

MR. LUNDSTROM: I will offer a motion on the variance for Jacqueline Callanan that this board approve a request for variance to permit a 6 foot fence located between the principal building and the street at 58 Keats Drive in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. CALLANAN: Now that it's approved, do I have to, say for whatever reason do you have to stick with the fence that I showed you or if financial concerns come up where I decide to put something different?

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MR. KANE: It was the height, as long as it passes what the building department says. Normally, if we weren't specific on it, whatever the building department allows you to do you can do up to 6 feet.

MR. CALLANAN: Thank you very much.

CAPPA\_-\_CONTINUED

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MR. KRIEGER: Is there a historic district mapped out in the Town?

MR. BABCOCK: Just a historic corridor.

MR. KRIEGER: When Dan Bloom comes back for the public hearing for that church cause I want you to put on the record whether or not it's in the historic corridor or not because it's part of the SEQRA findings, it's a little bit down the road but I wanted to mention it now because I didn't want to take him by surprise.

MICHAEL\_THOMAS\_(06-33)

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MR. KANE: Request for 5 ft. side yard setback and 5 ft. rear yard setback for proposed inground pool at 2713 Colonial Drive.

Mr. and Mrs. Michael Thomas appeared before the board for this proposal.

MR. KANE: Good evening, how are you? Like the preliminary meeting, tell us what you want to do.

MR. THOMAS: Okay, we would like to put a pool at the side of our property and to the side to the back and we're requesting a five foot variance from the back and from the side.

MR. KANE: Will you be cutting down substantial vegetation or any trees in the building of the pool?

MR. THOMAS: No.

MR. KANE: Creating any water hazards or runoffs?

MR. THOMAS: No.

MR. KANE: Any easements in the area where you want to put the pool?

MR. THOMAS: No.

MR. KANE: Any specific reason why you didn't want to put the pool directly behind the house?

MR. THOMAS: Because we needed more back yard space.

MRS. THOMAS: It's pretty limited as far as putting anything in the back as the man was talking about.

MR. KANE: They're all kind of small there and we try



to get everything we can on the record for as far as that's concerned. And obviously that's all going to be fenced in?

MRS. THOMAS: Yes.

MR. THOMAS: Yes.

MR. KANE: Fence is just going to be around the pool?

MRS. THOMAS: Haven't decided, kind of up in the air whether we want to do the whole property.

MR. KANE: You have to put it right around the pool whether the property's fenced in or not.

MR. BABCOCK: They can fence the property in but have to check the doors in the back, there's a way of doing it.

MR. KANE: Self-closing and self-latching, your back door would have to be able to close by itself, self-closing, self-latching, other than that you have to, they don't want that little guy to have a straight run for the pool.

MR. BABCOCK: We're requiring an alarm system in today's code, I don't know where they're at with their application but there's an alarm that when the door opens the alarm sounds and to make sure that nobody goes out of it and you can set the alarm so that there's different ways of doing it.

MR. KANE: Alarm for the back door or kitchen door.

MR. BABCOCK: Any door that goes out into that area you have to have an alarm.

MRS. THOMAS: It's not on the fence, it's on the house itself?

MR. KANE: If you want to do it that way.

MRS. THOMAS: I have an alarm set for that, we'll probably have to get something different but that's fine.

MR. KANE: If you're going to do an alarm for the pool, get something deep seating in the pool, don't do anything floating, you want something that's going down into the water, you'll get a lot of false alarms, winds, ducks landing in the pool, they have certain styles that go down because if there's surface movement it's going to go off. So look for that kind of an alarm, much better. So at this point, I will go to the public, if there's anybody here for this public hearing, seeing as there's not, we'll close the public portion of the hearing, ask Myra how many mailings we had.

MS. MASON: On June 9, I mail out 89 envelopes and had no response.

MR. KANE: How deep are you going on the deep end?

MR. THOMAS: Eight feet.

MR. KANE: Any further questions from the board? I'll accept a motion.

MS. GANN: I will offer a motion that we grant Michael Thomas' request for five foot side yard setback and five foot rear yard setback for proposed inground pool at 2713 Colonial Drive in an R-3 zone.

MR. LUNDSTROM: Second it.

ROLL CALL

MS. GANN

AYE

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MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE

RICHARD\_SKINNER\_(06-32)

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Mr. Richard Skinner appeared before the board for this proposal.

MR. KANE: Request for 10 ft. side yard setback and 3 ft. rear yard setback for existing shed at 40 Forest Hill Road. Evening, Mr. Skinner, tell us just like in the preliminary tell us what you want to do.

MR. SKINNER: Just want to have a setback for the 10 foot back yard and three foot setback for the rear yard for the shed.

MR. KANE: How long has the shed been there?

MR. SKINNER: Don't ask me to lie cause I don't know.

MR. KANE: But that's not lying.

MR. KRIEGER: An approximate.

MR. SKINNER: Probably 10 years.

MR. KANE: To your knowledge that's all so approximately 10 years. Has there been any complaints that you know of formally or informally about the shed?

MR. SKINNER: No.

MR. KANE: And even though you may not know the answer do you know of any cutting down of substantial vegetation or trees in the building of the shed?

MR. SKINNER: No.

MR. KANE: Creating any water hazards or runoffs?

MR. SKINNER: No.

MR. KANE: Any easements in the area that the shed is in?

MR. SKINNER: No.

MR. KANE: Moving the shed at this point would be a financial hardship?

MR. SKINNER: Yes.

MR. KANE: The shed itself is similar in size and nature to other sheds in the neighborhood?

MR. SKINNER: Yes.

MR. KANE: Okay, I will open the public portion of the meeting and ask that gentleman if he's here for this hearing and he says no, we'll close the public portion of the meeting and ask Myra how many mailings.

MS. MASON: On June 9, I mailed out 35 envelopes and had no response.

MR. KANE: No one is interested. Any further questions from the board? I'll accept a motion.

MR. TORPEY: I will make a motion for Richard Skinner his request for 10 foot and three foot rear yard setback for existing shed at 40 Forest Hill Road in an R-4 zone be approved, to grant that.

MR. LUNDSTROM: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE

HOFFMAN-WALKER\_(FOR\_MCHUGH)\_(06-31)

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Mr. William Walker appeared before the board for this proposal.

MR. KANE: Request for lot #4, 21,447 s. f. minimum lot area, 30.3 ft. front yard setback, 10.1 ft. rear yard setback, 217 s. f. livable area, lot #5, 30,164 s. f. minimum lot area, 4.1 ft. front yard setback and 12.4 ft. rear yard setback for proposed lot line change on Beaver Brook Road.

MR. WALKER: Bill Walker representing Gerald and Maureen McHugh. This initially started they're requesting a lot line change with the planning board and we were sent here because although the existing two lots are currently pre-existing, non-conforming we're moving a lot line and therefore will also be non-conforming so the variance that was so eloquently stated there is what we would need to accommodate the new lot line. And in the process we're going to be if you remember renovating the existing accessory building, the garage and turning that into a single family residence on the new lot 4.

MR. KANE: So to keep the record straight there will be no brand new building on here, you're going to convert the existing garage which will be on lot number 4?

MR. WALKER: Yes.

MR. KANE: To a single family residence?

MR. WALKER: Correct.

MR. KANE: And the other lot, lot number 5 will contain the existing single family residence?

MR. WALKER: Correct.

MR. LUNDSTROM: Do you know if they envision the garage being expanded at all to accommodate that new use?

MR. WALKER: Yes, well, if you notice, I don't know if you can see the structure now it will be squared off is the proposal so the, where you have the alcove out, it will be a squared off addition and make it square, you know, rectangular structure.

MR. LUNDSTROM: But the overall size?

MR. WALKER: Right, the extreme limits will be within that, correct.

MR. KRIEGER: Footprint.

MR. WALKER: Footprint, yeah.

MR. TORPEY: You'll make that whole area look nice.

MR. WALKER: Yeah, the garage could use some work anyway so--

MR. TORPEY: Make it look a little more uniform.

MR. KANE: Mike, a quick question, with the square off on the building, we're showing 14, the request of 14.7 foot from the building, is that going to be enough going all the way out if we square that off to the corner?

MR. BABCOCK: Doesn't look it to me. The first time I heard about squaring off the building was just now.

MR. KANE: I think we're going to come up light, see what I mean?

MR. WALKER: Absolutely, I do absolutely see that, we can, there's one or two ways if I can request a lower setback at this point.

MR. KANE: That we can't do.

MR. WALKER: Then I'll stay with it.

MR. KANE: Because it has to be in the public in the newspaper if I remember correctly 10 days before. The only other way would be not to square it off and bring it back and use as much space as you can keeping it within the 14.7.

MR. WALKER: That's fine.

MR. KANE: So it's an understanding on that with the 14.7?

MR. WALKER: Yes.

MR. KANE: Cutting down, you're really not building anything so we're not cutting down any trees, not removing substantial vegetation, we're not worried about easements at this point. At this point, I will open it to the public and say that there's nobody in the audience, we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On June 9 we mailed out 30 envelopes and had no response.

MR. KANE: Any further questions from the board? I will accept a motion. When you read it for the motion on lot number 4 front yard setback is 30.3, okay?

MR. TORPEY: Better get a professional.

MR. KANE: I don't think there's any need to put anything in the verbiage about the 14.7 with the cutoff, you know what you need to do.

MR. WALKER: Absolutely.



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MR. KANE: And Michael knows more importantly.

MR. LUNDSTROM: I will offer a motion of Hoffman-Walker project number 06-31 request for pertaining to lot number--

MR. KRIEGER: All you have to do, make a motion say granted requested variances.

MR. LUNDSTROM: Grant the requested variances.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE

FORMAL DECISIONS:

JORG FRISCHKNECHT  
CALLAHAN/CREAGAN  
STEVEN PONESSE & DAWN MARIE MULDER  
ERICA GRASSI  
XIAOJL ZHANG  
EDWARD JACOPINO

MR. KANE: We have six formal decisions, if you want to take them one vote, I'll accept a motion.

MS. GANN: I'll offer a motion that we grant the request for the formal decisions as written.

MR. LUNDSTROM: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. LUNDSTROM: Motion to adjourn.

MS. GANN: Second it

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer

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